

COMMISSIONERS PROCEEDINGS
AUGUST 10, 2004
CLARK COUNTY, WASHINGTON

The Board convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Commissioners Stanton, Pridemore, and Morris, Chair, present.

PLEDGE OF ALLEGIANCE

The Commissioners conducted the Flag Salute.

PUBLIC COMMENT

There was no public comment.

CONSENT AGENDA

There being no public comment, **MOVED** by Stanton to approve items 1 through 15.
Commissioners Morris, Stanton, and Pridemore voted aye. Motion carried. (See Tape 139)

The Board of Commissioners adjourned and reconvened as the Board of Health.

PUBLIC COMMENT

There was no public comment.

CONSENT AGENDA

Commissioner Stanton referenced item 2 of the agenda – Department of Ecology grant for improving the water quality of Gibbons Creek watershed. She noted that there was a change to the dollar amount. There being no public comment, **MOVED** by Stanton to amend item 2 to reflect the correct dollar amount of \$125,000. Board members Morris, Stanton, and Pridemore voted aye. Motion carried. (See Tape 139)

There being no public comment, **MOVED** by Pridemore to approve the amended consent agenda items 1 and 2. Board Members Morris, Stanton, and Pridemore voted aye. Motion carried. (See tape 139)

Reconvened as the Board of Commissioners

PUBLIC MEETING: BETHESDA SLAVIC CHURCH – CUP2003-00008; PSR2003-00054;
SEP2003-00114

Held a public meeting to consider an appeal of the Clark County Land Use Hearing Examiner's decision regarding the application for a conditional use and site plan approval for a 30,500 square foot church on an approximately eight (8) acre parcel in the RC-1 Zoning District.

COMMISSIONERS PROCEEDINGS
AUGUST 10, 2004
CLARK COUNTY, WASHINGTON

The Board of Commissioners did not receive public comment, oral or written, at the meeting.

Commissioner Morris certified reading the record; she did not watch the videotape.

Commissioner Stanton certified reading the record with the exception of the stormwater studies, which was not an issue that was under appeal.

Commissioner Pridemore certified reading the record; he did not watch the videotape.

Pridemore stated that all of the issues pertain to the traffic situation and without exception there was ample evidence in the record supporting the hearing examiner's recommendations. He said that apart from the opinions of some of the folks in the neighborhood, he could find no evidence to substantiate the items in the appeal.

Stanton agreed that they were all traffic related and could be lumped together. She said that she went through the record to see if there was any evidence to support the allegations; however, there was no evidence other than hearsay; nothing she could rely on as evidence counter to the hearing examiner's decision.

Morris concurred with Commissioners Pridemore and Stanton's comments.

Pridemore commented on the photographs taken of the vehicles that block the line of site, in which the appellants suggested that it be taken into consideration that there were no vehicles blocking at the time the pictures were taken.

Stanton said that was the appellant's opportunity to provide evidence of a potential problem. She said there isn't any record of that argument being made. Stanton also commented on a question regarding speed, as noted in the appeal letter, and that the 15 mph for the curves is an advisory speed. She said that if there is no other posted speed limit on an unmarked county road, the basic rule is 50 mph.

Pridemore said that perhaps this development would provoke staff to recommend a change [in the speed limit].

Morris said it was important that they note for the record that Exhibits 29 and 44 was where most of the key data was located, and that for them to overturn the hearing examiner they would be required to have substantial evidence in the record that successfully refutes the information present in those two exhibits. She also mentioned that concurrency is an issue that is confined in its time periods and in terms of where you measure concurrency. The church will no doubt create more traffic, but the times when the greatest traffic would occur would be during Sunday morning services and Wednesday services. Morris reiterated that there must be substantial factual evidence

COMMISSIONERS PROCEEDINGS
AUGUST 10, 2004
CLARK COUNTY, WASHINGTON

in the record that would lead a reasonable person to a conclusion other than the one the hearing examiner has reached. She said there is no such substantial evidence in this case.

Rich Lowry, Prosecuting Attorney's Office, explained that the rules are even more differential to the examiner than that. There has to be an absence of substantial evidence in the record to support him. Also, if there's balanced evidence on each side, the board couldn't substitute their judgment for that of the hearing examiner.

MOVED by Pridemore to uphold the Hearing Examiner in the matter of Bethesda Slavic Church. Commissioners Morris, Stanton, and Pridemore voted aye. Motion carried. (See Tape 139)

Morris said that in looking at the drawings, if she were leaving the church she wouldn't go out through Brush Prairie and Caples Road. She said there is a street there that opens directly off of 503 already so why wouldn't she come and go that way?

Stanton noted that there's a picture in the record that shows the gate as being an emergency access only.

Morris explained that she hadn't seen that picture.

Stanton had a question regarding a daycare. She said it's clear in the record that the church is not proposing a daycare facility at this time, but asked what the process would be if they did decide to have one. She said that would certainly change the traffic and asked if that would be another CUP.

Josh Warner, Department of Community Development, responded that they would have to amend the CUP to include that different use, which would be affiliated or associated with the church use.

PUBLIC MEETING: UNITED PIPE AND SUPPLY APPEAL – APL2004-00004

Held a public meeting to consider an appeal of the Clark County Land Use Hearing Examiner's decision in the matter of an appeal of a Type II site plan approval for a warehouse and manufacturing building on 2 parcels totaling 7.76 acres zoned ML (Light Industrial)

The Board of Commissioners did not receive public comment, oral or written, at the meeting.

Morris explained that this matter had actually originated in a decision that was made by the Planning Director on a site plan decision and was appealed to the hearing examiner. The hearing examiner upheld the Planning Director's decision and it was then appealed to the Board of Commissioners.

The board certified reading the record.

COMMISSIONERS PROCEEDINGS
AUGUST 10, 2004
CLARK COUNTY, WASHINGTON

Morris stated that she didn't find evidence in the record that would overturn the hearing examiner's decision. She believed that the hearing examiner's major point during the course of discussion is that there really isn't anything in this decision that precludes full and complete development of the adjacent site – the site that's owned by the appellant – that the road's name may have changed, but it has always been in the same place. She said in this instance she didn't believe that there has been a taking of property from anyone, and she didn't find anything in the record that there had to be a requirement that would suggest there had to be a through street on the appellant's property.

Pridemore said there was the circulation plan that they had approved a few years ago that does suggest that the road should go through.

Stanton said that one of the early issues for United Pipe was that they had to comply with the circulation plan. She said her guess would be that when development of the adjacent Thompson property comes forward, it would have the same condition on it.

Lowry said it would, but as the hearing examiner had noted the issue of whether that would be disproportional is not right.

Morris said it isn't time yet.

Stanton agreed with Commissioner Morris.

Morris said that a through road means that it goes through, but it doesn't mean it has to go through in a straight line – they often don't. She said she also didn't find anything in the record to suggest that they might do a site plan that called for a little jog in 84th.

Pridemore said that in looking at it, it appeared to him that the property would be more developable with the road than without it.

Stanton said she couldn't find that the hearing examiner erred.

MOVED by Stanton to uphold the Hearing Examiner in the matter of United Pipe and Supply Site Plan. Commissioners Morris, Stanton, and Pridemore voted aye. Motion carried. (See Tape 139)

PUBLIC HEARING: COMPREHENSIVE PLAN UPDATE

[VERBATIM MINUTES TRANSCRIBED BY RIDER & ASSOCIATES]

COMMISSIONERS PROCEEDINGS
AUGUST 10, 2004
CLARK COUNTY, WASHINGTON

2 p.m. Bid Openings

Present at the Bid Opening: Rebecca Tilton, Deputy Clerk to the Board; Mike Westerman and Allyson Anderson, General Services

BID OPENING 2379

Held a public hearing for Bid Opening 2379 – Annual Sign Posts. Mike Westerman, General Services, opened and read bids and stated that it was their intention to award Bid 2379 on August 17, 2004, at 10:00 a.m., in the Commissioners' hearing room of the Clark County Public Service Center, 6th Floor. (Note: no audiotape available)

BOARD OF COUNTY COMMISSIONERS

Betty Sue Morris/s/
Betty Sue Morris, Chair

Judie Stanton, Commissioner

Craig A. Pridemore/s/
Craig A. Pridemore, Commissioner

ATTEST:

Louise Richards/s/
Clerk of the Board

rt